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(Feb 77)


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RECORDS AND CORRESPONDENCE



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CIA RECORDS DESTRUCTION POLICY

Rescission:  dated 7 September 1977

1. Certain conditions must be met before Agency records legally can be destroyed. These are:

a. The Archivist of the United States must give his approval by signing a Standard Form 115, Request for Records Disposition Authority, which identifies series of related records and, when signed by the Archivist, constitutes the legal authority for ~~retention or~~ disposition of these records.

b. The Senate Select Committee on Intelligence and the House Select Committee on Assassinations must review and clear the SF 115 and Form 139, Records Control Schedule, which is a more detailed version of the SF 115 and is used within CIA to implement the approved dispositions. Procedures for this review include a one-time (per Schedule) inspection by the committees of CIA record series earmarked for destruction. Legislative Counsel is negotiating with the committees on specifics of the inspection. (Copies of the two forms are also provided for informational purposes to the Government Information and Individual Rights Subcommittee of the House Committee on Government Operations.)

c. In addition to the requirements of paras. a and b above and of equal importance to the authority to destroy CIA records are the following factors:

(1) legislation such as the Freedom of Information Act (FOIA) and the Privacy Act (PA);

(2) litigation such as Federal anti-trust suits and personal lawsuits; and

(3) matters under investigation by

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ISAS - draft attached.*

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the Department of Justice.

Records subject to these factors are identified when a requirement arises; however, it is necessary to insure that they are destroyed within safeguards that exist over and above those covered by the Records Control Schedule.

2. Records may be destroyed as follows:

a. Records in offices may be destroyed in accordance with approved Records Control Schedules but additional attention must be given to those related to the factors in para. 1 c:aboe:

(1) FOIA and PA material must be handled in accordance with the provisions of the Acts and NARS requirements. That is, they are to be retained or destroyed in accordance with approved disposition instructions for the requested records, or for the related FOIA/PA requests, whichever is later unless instructed otherwise by the Information Privacy Staff (IPS).

(2) Copies of records that relate to litigation or Justice Department investigations may be destroyed in accordance with instructions in approved Records Control Schedules if copies have been given to OGC and if that Office has not issued instructions to the contrary.

When in doubt about the propriety of destroying records, offices should complete and submit a Form 141c, Request for Authorization to Destroy Records in Office.

b. Records in Records Center may be destroyed in accordance with instructions in approved Records Control Schedules upon certification by the component RMO that the records are not related to pending legal or investigative matters. If there are any questions on the records, a Form 141b, Request for Authorization to Destroy Records in Records Center will be forwarded through channels to OGC for concurrence.

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c. Requests for concurrence to destroy questionable records, Forms 141b and 141c, will be forwarded to the Records Administration Branch, ISAS through the Component and Directorate RMOs. The Agency Records Management Officer will obtain the concurrence of the General Counsel prior to approving the actual destruction of such records.

3. Questions on the implementation of these procedures should be directed to your Component Records Management Officer.

E. H. Knoche
Deputy Director of Central Intelligence

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